Civil Revision No. 12 of 2005

Hon. Prafulla C. Pant, J.

This is delay condonation application, moved on behalf of the revisionist (State of Uttaranchal), who has challenged the order dated 30.05.1996, passed by learned Civil Judge (Senior Division), Dehradun in Misc. Case No. 115 of 1994, whereby the temporary injunction has been granted till the dispute is decided by the arbitration.

Heard.

The delay in filing the revision is of 8 years and 289 days. An affidavit of Shri Kartar Singh, an Assistant Engineer, has been filed with the delay condonation application in which it has been stated that the revisionist earlier filed an appeal before the Allahabad High Court, which was disposed of on 05.05.2004, by Division Bench of this Court, holding that the impugned order was not appealable, as such the appeal was dismissed as not maintainable. From Annexeure-2 to the affidavit, filed on behalf of the State, it appears that even the Special Leave Petition, has been dismissed by Supreme Court as withdrawn on 17.01.2005.

When the Division Bench of this Court passed the order dismissing the appeal on 05.05.2004, even then the State did not seek any revision against the impugned order. Not only this, even after the S.L.P. was withdrawn from the Supreme Court in the month of January, 2005, no revision was preferred till 16th June, 2005 by the State. In the circumstances, the delay of 8 years and 289 days in filing the revision cannot be said to have been sufficiently explained.

Accordingly the delay condonation application is rejected and revision is dismissed as barred by time.

Dt. 17.04.2006 (P.C. Pant, J.)

Sweta